

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARVIN BANKS,	:	
Plaintiff	:	
	:	No. 1:20-cv-01341
v.	:	
	:	(Judge Rambo)
REV. ULLI KLEMM, <u>et al.</u>,	:	
Defendants	:	

ORDER

AND NOW, on this 9th day of January 2023, upon consideration of the parties' motions for summary judgment (Doc. Nos. 81, 89), and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT**:

1. Defendants' motion for summary judgment (Doc. No. 89) is **GRANTED** based upon Plaintiff Marvin Bank ("Plaintiff")'s failure to exhaust available administrative remedies, as required by the Prison Litigation Reform Act, 42 U.S.C. § 1997(e)(a);
2. Plaintiff's motion for summary judgment (Doc. No. 81), which seeks judgment as a matter of law on the merits of his First Amendment and Religious Land Use and Institutionalized Persons Act claims, is **DENIED as moot**;
3. Defendants' motion to strike Plaintiff's motion for summary judgment (Doc. No. 84) is **DENIED as moot**;
4. Plaintiff's motion seeking the appointment of counsel (Doc. No. 93) is **DENIED as moot**;
5. Plaintiff's motions for default judgment (Doc. No. 100) and for contempt (Doc. No. 103) are **DENIED**; and

6. The Clerk of Court is directed to **CLOSE** the above-captioned case.

s/ Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge